

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

IN RE:

**THOMAS G. STOCKER AND
MARY ELLEN STOCKER,

Debtors.**

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**CASE NO. 14-70089

CHAPTER 13**

MOTION OF RREF CB SBL-TX, LLC FOR RELIEF FROM THE AUTOMATIC STAY

THIS IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY. IF YOU OBJECT TO THE GRANTING OF RELIEF FROM THE AUTOMATIC STAY, YOU SHOULD CONTACT THE MOVANT IMMEDIATELY TO TRY TO REACH AN AGREEMENT. IF YOU CANNOT REACH AN AGREEMENT, YOU MUST FILE A WRITTEN RESPONSE AND SEND A COPY TO MOVANT NOT LATER THAN APRIL 9, 2015 AND YOU MUST ATTEND THE HEARING.

THE COPY SENT TO THE MOVANT MUST BE DELIVERED BY HAND OR ELECTRONIC DELIVERY IF IT IS SENT LESS THAN SEVEN DAYS PRIOR TO THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE HEARING MAY BE AN EVIDENTIARY HEARING AND THE COURT MAY GRANT OR DENY RELIEF FROM THE STAY BASED ON THE EVIDENCE PRESENT AT THIS HEARING. IF A TIMELY OBJECTION IS FILED, THE COURT WILL CONDUCT A HEARING ON THIS MOTION ON APRIL 16, 2015 AT 9:00 A.M. AT THE UNITED STATES FEDERAL COURTHOUSE, LOCATED AT 1701 W. BUSINESS HIGHWAY 83, BENSON TOWER, 8TH FLOOR, MCALLEN, TEXAS 78501.

**TO: THE HONORABLE RICHARD J. SCHMIDT,
UNITED STATES BANKRUPTCY JUDGE**

RREF CB SBL-TX, LLC (the “Lender”), as successor to Compass Bank, a secured creditor in the above-captioned chapter 13 bankruptcy case of Thomas G. Stocker and Mary Ellen Stocker (the “Debtors”), by and through Lender’s loan servicer, Quantum Servicing

Corporation (“Quantum” or “Movant”), hereby files its *Motion for Relief From the Automatic Stay* (the “Motion”). In support of the Motion, the Lender would respectfully submit as follows:

1. The Motion requests an order from the Bankruptcy Court authorizing Lender to foreclose on or to repossess the property that is identified in paragraph 3.

2. Movant: RREF CB SBL-TX, LLC, as successor to Compass Bank, by and through Lender’s loan servicer, Quantum Servicing Corporation.

3. Movant, directly or as agent for the holder, holds a security interest in the real property legally described as:

LOT NINE (9), AND THE EAST 1/2 OF LOT TEN (10), BLOCK ONE (1), NORTHWAY PARK, AN ADDITION TO THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 8, PAGE 40, MAP RECORDS, HIDALGO COUNTY, TEXAS, REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES,

which is commonly known as 1204 Westway Ave., McAllen, 78501, Hidalgo County (the Property”). True and correct copies of the documents evidencing said security interest are attached here to as Exhibit “A.”

4. Movant has reviewed the schedules filed in this case. The Property described in paragraph 3 is claimed as exempt by the Debtors. Movant does not contest the claimed exemption. Movant’s lien is enforceable against such exempt property.

5. Type of collateral: Home.

6. Debtor’s scheduled value of Property: \$200,000.00.

7. Movant’s estimated value of Property: \$148,150 per January 2014 valuation. A copy of said valuation is attached hereto as Exhibit “B.”

8. Total amount owed to Movant: \$167,844.73 as of March 18, 2015 (including \$9,997.88 in post-petition attorney’s fees incurred between 2/4/14 and 3/1/15).

9. Estimated equity: \$0. Movant submits a deficiency is likely present.

10. Total pre- and post-petition arrearages: The loan matured September 15, 2012. Accordingly, on the date the Debtors filed this case, the balance totaled \$135,523.25. Total pre- and post-petition arrearages are \$167,844.73.

11. Total post-petition arrearages: \$32,321.49.

12. Amount of unpaid, past due property taxes, if applicable: \$12,777.71, pursuant to the tax records of Hidalgo County Texas. This number is comprised of taxes, penalties, and interest for the tax years 2010 through 2014, and is only valid if paid no later than March 31, 2015. A copy of said tax records is attached hereto as Exhibit "C."

13. Movant seeks relief based on the Debtors' failure to make payments. The Chapter 13 Trustee has moved to dismiss this case on the same basis. The Debtors have not made a single plan payment since the time that their case was reinstated by this Court in January of 2015. The Chapter 13 Trustee's payment history in this case is attached hereto as Exhibit "D." Any party in interest may move to require the Movant to provide a complete payment history. If ordered by the Court, the complete payment history must be provided not less than 7 days prior to the final hearing on the motion for relief from the stay. If a payment history is ordered, it must be provided in a format substantially similar to the format required by BLR 3001-1. Movant acknowledges that the Court may prohibit the use of parol evidence to interpret a payment history that does not satisfy these representations. A true and correct of the Debtors' payment history on the loan secured by the Property is attached hereto as Exhibit "E."

14. Based on the foregoing, Movant seeks termination of the automatic stay to allow Movant to foreclose or repossess the Debtors' Property and seek to recover its costs and attorneys' fees in an amount not to exceed the amount listed in paragraph 9.

15. Movant certifies that prior to filing the Motion an attempt was made to confer with the Debtors' counsel by telephone by the following person on the following dates and times: Thomas D. Berghman, Esq. by telephone on March 4, 2015 and March 10, 2015. Mr. Berghman discussed the relief requested herein with the Debtors' counsel on March 10, 2015 and he stated that the Debtors are opposed to the Motion. Neither the Debtors nor their counsel requested a copy of the payment history prior to the filing of the Motion.

DATE: March 26, 2015

Respectfully submitted:

MUNSCH HARDT KOPF & HARR, P.C.

By: /s/ Jay H. Ong

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COUNSEL FOR QUANTUM SERVICING
CORPORATION, AS LOAN SERVICER
FOR RREF CB SBL-TX, LLC

CERTIFICATE OF SERVICE AND COMPLIANCE WITH BLR 4001

I hereby certify that a true and correct copy of the *Motion of RREF CB SBL-TX, LLC for Relief From the Automatic Stay* was served to the parties on the attached Service List, either via electronic means as listed on the court's ECF noticing system or via United States first class mail, postage prepaid, on March 26, 2015. Movant certifies that Movant has complied with Bankruptcy Local Rule 4001.

/s/ Timothy A. Million

SERVICE LIST

Cindy Boudloche Chapter 13 Trustee 555 N Carancahua, Ste. 600 Corpus Christi, TX 78401-0823	Richard O. Habermann Attorney at Law 1418 Beech Ave, Suite 132 McAllen, TX 78501-4604
Thomas G. Stocker Mary Ellen Stocker 1204 Westway McAllen, Texas 78501	Aargon Agency 3025 W Sahara Las Vegas, NV 89102-6094
Aargon Agency Inc. As Agent for McAllen Medical Center 8668 Spring Mountain Rd Las Vegas, NV 89117-4132	Asset Acceptance LLC PO Box 1630 Warren, MI 48090-1630
Cerastes, LLC c/o Weinstein, Pinson and Riley, PS 2001 Western Avenue, Suite 400 Seattle, WA 98121-3132	City of McAllen, South Texas College & South Texas ISD c/o Diane W. Sanders Linebarger Goggan Blair & Sampson, LLP P.O. Box 17428 Austin, TX 78760-7428
Commonwealth Financial 245 Main St. Dickson City, PA 18519-1641	Financial Control Svc 6801 Sanger Ave, Suite 195 Waco, TX 76710-7804
First National Bank 100 W Cano St Edinburg, TX 78539-4507	I C System, Inc. Po Box 64378 Saint Paul, MN 55164-0378
Internal Revenue Service P O Box 7346 Philadelphia, PA 19101-7346	McAllen ISD, Hidalgo County, and Hidalgo County Drainage District #1 c/o John T. Banks Perdue Brandon et al 3301 Northland Drive, Suite 505 Austin, TX 78731-4954
US Trustee 606 N Carancahua Corpus Christi, TX 78401-0680	